

Washington, D.C. 20505

15 June 1981

The Honorable William French Smith  
Attorney General  
Department of Justice  
Washington, D.C. 20530

Dear Bill:

Thank you for your letter of 22 May regarding the CIA and Justice Department legislative proposals on the Freedom of Information Act (FOIA).

As I have mentioned to you before, the difficulties created by the FOIA for the Central Intelligence Agency have been very serious. This Agency's special problems with the FOIA will not be resolved or even appreciably alleviated by merely strengthening our partial exemption from the Act. It is only by a total exclusion from the Freedom of Information Act that CIA will obtain adequate legislative relief.

I am advised by my General Counsel that, pursuant to the Federal Trade Commission Improvements Act of 1980, the FTC obtained a total statutory exemption from the FOIA for any material received in any investigation being conducted to determine whether FTC administered laws have been violated. This is a rather significant exemption for a regulatory agency like the FTC. Certainly, CIA and NSA, with their critical roles in this Nation's intelligence efforts, should be in no less a position to seek a satisfactory exemption from the Act. We cannot wait for a government-wide approach which will not contain effective relief for CIA and NSA. Full relief is essential now.

I have requested my General Counsel, Stanley Sporkin, to arrange a meeting with Deputy Attorney General Edward C. Schmults in order to explore fully the substantial equities that underlie our position. If still unresolved, I will drop by to see you.

With best regards,

Yours,

  
William J. Casey

cc: Secretary of State

OGC/DR:rd (8 Jun 81)

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